

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

JOHN BURKES,

Defendant-Appellee.

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UNPUBLISHED  
October 27, 2000

No. 215694  
Wayne Circuit Court  
Criminal Division  
LC No. 98-007550

Before: Griffin, P.J., and Cavanagh and Gage, JJ.

PER CURIAM.

Plaintiff appeals as of right from the trial court's order granting defendant's motion to suppress evidence, and dismissing the case. We reverse and remand for further proceedings.

Defendant was charged with possession of less than twenty-five grams of heroin, MCL 333.7403(2)(a)(v); MSA 14.15(7403)(2)(a)(v), and as a fourth habitual offender, MCL 769.12; MSA 28.1084. He moved to suppress the evidence on the ground that the police lacked probable cause to arrest him. The evidence produced at the hearing on defendant's motion showed that officers were directed to a location to meet a citizen who would point out a man who was wanted and was carrying narcotics. When the police arrived, the citizen, Frank Wayneright identified himself to them and informed them that a black male wearing all black clothing and carrying narcotics in his pants pocket was inside a specific party store. When defendant, who matched the description given by Wayneright, exited the same party store, the police approached him and asked him to step to the rear of the patrol car. Defendant became nervous, repeatedly attempted to put his hand into his pants pocket, refused to allow the police to conduct a patdown search, and fled the scene. The police apprehended defendant and upon conducting a search of his person, discovered narcotics in his pants pocket. Thereafter, defendant was arrested.

The trial court granted defendant's motion to suppress the evidence, finding that the police lacked a reasonable suspicion to justify a stop of defendant, and probable cause to arrest him. The trial court noted that the police had no basis for determining that the information given by Wayneright was credible or reliable.

We review a trial court's findings of fact on a motion to suppress for clear error, and review the ultimate decision de novo. *People v Darwich*, 226 Mich App 635, 637; 575 NW2d 44 (1997).

The brief detention of a person in a public place for the purpose of determining whether a crime has been committed does not violate the Fourth Amendment as long as the officer can articulate a reasonable suspicion for the detention. To demonstrate reasonable suspicion, the officer must articulate specific facts which, when taken together with the reasonable inferences drawn therefrom, warrant the intrusion. *Terry v Ohio*, 392 US 1, 21; 88 S Ct 1868; 20 L Ed 2d 889 (1968). An officer who makes a valid investigatory stop may conduct a limited patdown search for weapons if the officer has a reasonable suspicion that the individual is armed and thus poses a danger. *People v Champion*, 452 Mich 92, 99; 549 NW2d 849 (1996).

Plaintiff argues that the trial court erred by granting defendant's motion to suppress the evidence. We agree, reverse the trial court's order, and remand this matter for further proceedings. In granting the motion, the trial court seemed to conclude that a named citizen who supplies information that serves as the basis for an investigatory stop must meet the same standards of credibility and reliability applied to an unnamed informant whose information is used in an affidavit in support of a search warrant. MCL 780.653(b); MSA 28.1259(3)(b). The trial court applied the incorrect law to the facts of this case. The information that defendant possessed narcotics came from a named citizen. The nature and amount of information supplied by the citizen would have been sufficient to justify an investigatory stop even if he had remained anonymous. *People v Faucett*, 442 Mich 153, 168-169; 499 NW2d 764 (1993); *People v McCrady*, 213 Mich App 474, 482-483; 540 NW2d 718 (1995). Under the totality of the circumstances, the investigatory stop was valid. *Terry, supra*. The reasonable suspicion that defendant possessed drugs warranted the police attempt to conduct a patdown search for weapons. *Champion, supra*.

Defendant's reliance on *Florida v J L*, 529 US \_\_\_\_; 120 S Ct 1375; 146 L Ed 2d 254 (2000), in which the United States Supreme Court held that an anonymous tip which contains no predictive information from which to establish an informant's knowledge and reliability does not establish a reasonable suspicion which justifies a stop and search of a person for firearms, is misplaced. Here, police were not required to rely on an anonymous tip with no indicia of reliability. The trial court erred by concluding that the initial investigatory stop and subsequent arrest were invalid.

The trial court's order suppressing the evidence is reversed, and this case is remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Richard Allen Griffin

/s/ Mark J. Cavanagh

/s/ Hilda R. Gage